

THE HONORABLE ROBERT J. BRYAN

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

CHRISTINE O. GREGOIRE, Governor of  
the State of Washington,

Plaintiff,

v.

DONALD H. RUMSFELD, in his official  
capacity as Secretary of Defense;  
ANTHONY J. PRINCIPI, in his official  
capacity as Chairman of the Defense Base  
Closure and Realignment Commission; and  
JAMES H. BILBRAY, PHILLIP E.  
COYLE, HAROLD W. GEHMAN, JR.,  
JAMES V. HANSEN, JAMES T. HILL,  
LLOYD W. NEWTON, SAMUAL K.  
SKINNER, and  
SUE ELLEN TURNER, in their official  
capacities as members of the Defense Base  
Closure and Realignment Commission,

Defendants.

CASE NO. C05-5583RJB

JOINT MOTION &  
ORDER FOR STAY

NOTE ON MOTION  
CALENDAR:  
November 29, 2005

Plaintiff CHRISTINE O. GREGOIRE, by and through her attorney, ROB  
MCKENNA, Attorney General of the State of Washington, and SARA J. FINLAY, Senior  
Counsel, and Defendants, DONALD H. RUMSFELD, ANTHONY J. PRINCIPI, JAMES H.  
BILBRAY, PHILLIP E. COYLE, HAROLD W. GEHMAN, JR., JAMES V. HANSEN,  
JAMES T. HILL, LLOYD W. NEWTON, SAMUAL K. SKINNER, and SUE ELLEN

1 TURNER, by and through their attorney, MATTHEW LEPORE, Trial Attorney with the  
2 United States Department of Justice, file this Joint Motion for Stay based on the records and  
3 files in this case as well as the following:

4 1. On September 13, 2005, Magistrate J. Kelley Arnold issued a “Minute Order  
5 Regarding Initial Disclosures, Joint Status Report, and Early Settlement” and a “Minute  
6 Order Regarding Discovery and Depositions.” These Orders establish certain discovery  
7 deadlines, including a December 5, 2005 deadline for the parties to file initial disclosures,  
8 and a December 12, 2005 deadline for the parties to file a discovery plan.

9 2. The parties agree that this case consists primarily of purely legal issues and  
10 expect it to be disposed of through cross-dispositive motions without the need for any formal  
11 discovery. To the extent any factual information is required by either party from the other,  
12 the parties anticipate an informal exchange. Accordingly, the parties request relief from the  
13 pending discovery deadlines.

14 3. Moreover, in this action Plaintiff seeks to prevent the implementation of a  
15 BRAC recommendation to realign the Fairchild Air Force Base, and the Parties have reason  
16 to believe that such implementation is not imminent. Should any party believe that  
17 implementation has become imminent, however, any party may file motions consistent with  
18 applicable federal and local rules.

19 4. Because implementation does not appear imminent, the parties request a stay  
20 of all proceedings at this time to allow for the possibility of resolving this case without  
21 further litigation. The parties believe that such a stay of all proceedings, including the initial  
22 scheduling dates and Defendants’ response date,<sup>1</sup> could avoid an unnecessary and premature  
23 expenditure of judicial resources.

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25 <sup>1</sup> On November 7, 2005, the parties jointly filed a stipulation and proposed Order extending  
26 Defendants’ response date from November 8, 2005 to December 8, 2005. Because  
Defendants anticipate filing a motion to dismiss this case (or, in the alternative, for summary

1           5.       From the outset, the parties have worked cooperatively, and they bring this  
2 motion in good faith in an effort to conserve judicial resources, narrow the legal issues in  
3 dispute,<sup>2</sup> and minimize litigation expenditures.

4           6.       For all of these reasons, the parties ask this Court to stay all proceedings at  
5 this time and to schedule a telephonic status conference for the week of May 29, 2006,<sup>3</sup> or at  
6 such other time as convenient for the Court, to discuss the status of this case and specifically  
7 to address whether the stay should continue or whether a briefing schedule on cross-  
8 dispositive motions should be set.

9           Respectfully submitted this 29<sup>th</sup> day of November, 2005.

10                               ROB MCKENNA  
11                               Attorney General

12                               s/ Sara J. Finlay  
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22                               Attorneys for Plaintiff

23                               JOHN McKAY  
24                               United States Attorney

25                               PETER D. KEISLER  
26                               Assistant Attorney General

                              VINCENT M. GARVEY  
                              Deputy Branch Director

                              judgment), they request relief from having to file any response until a schedule is set for  
cross-motion briefing after the stay is lifted. Plaintiffs concur with this request.

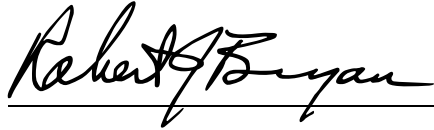
<sup>2</sup> For example, Plaintiff is considering dismissing the named Commissioners as  
defendants, leaving only Defense Secretary Rumsfeld as the defendant in this case. Staying  
proceedings will allow Plaintiff to further consider this.

<sup>3</sup> The parties picked a date roughly six months from now.

1 s/ Matthew Lepore  
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11 Attorneys for Defendants

12  
13 IT IS SO ORDERED, this 2<sup>nd</sup> day of December, 2005.

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17 ROBERT J. BRYAN  
18 United States District Judge  
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